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**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

1 UNITED STATES OF AMERICA,
2 Plaintiff-Appellee,
3 vs.
4 STEVEN DUARTE,
5 Defendant-Appellant.

6 U.S.C.A. No. 22-50048
7 U.S.D.C. No. 20-cr-00387-FMO
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**MOTION TO WITHDRAW FROM
REPRESENTATION OF INDIGENT
APPELLANT AND APPOINT NEW
COUNSEL**

12 Pursuant to 9th Cir. R. 4-1(c)(3), OLIVER P. CLEARY, appointed counsel for STEVEN
13 DUARTE, for the reasons set forth in the attached Declaration of Counsel, respectfully moves to be
14 relieved from representation of Appellant on this appeal and to appoint substitute counsel for Appellant.

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Dated: April 10, 2022

Respectfully submitted,
/s/Oliver P. Cleary
Oliver P. Cleary
Attorney for Defendant-Appellant Steven Duarte
468 N. Camden Dr., #200
Beverly Hills, CA 90210
T. (424) 324-8874

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**DECLARATION OF COUNSEL IN
SUPPORT OF MOTION TO WITHDRAW
AND APPOINT NEW COUNSEL**

I, OLIVER P. CLEARY, declare:

1. I am an attorney licensed to practice law in the State of California, the United
2 States District Court for the Central District of California, and the United States Court of
3 Appeals for the Ninth Circuit.

2. I was appointed by the United States District Court for the Central District of
3 California to represent Defendant-Appellant, STEVEN DUARTE, at the trial level and
4 currently represent Mr. DUARTE on this appeal.

3. On August 26, 2021, after a three days jury trial, Mr. DUARTE was found
4 guilty on Count I, 18 U.S.C. §(g)(1).

4. On February 28, 2022, Mr. DUARTE was sentenced to the Bureau of Prisons
5 for 51 months. Mr. DUARTE is in custody at Victorville Medium II FCI. His release

1 date has not been calculated.

2 5. On March 9, 2022, Mr. DUARTE filed notice of appeal with the district court.

3 6. On March 10, 2022, this Court docketed the instant appeal and ordered that I
4 be appointed to represent Mr. DUARTE on the appeal.

5 7. I have communicated with Mr. DUARTE about his case, and he has indicated
6 that he wishes to pursue his appeal in this matter. After speaking with Mr. DUARTE about
7 the nature of his concerns, and the arguments that he is likely to raise with this Court, it is
8 my opinion that my continued representation would be inappropriate at this time due to a
9 conflict of interest.

10 8. I respectfully request that this Court grant this motion to withdraw as counsel
11 and be relieved from further representing Mr. DUARTE on this appeal. I further request
12 that the Court appoint substitute counsel to represent Mr. DUARTE in this appeal.

13 I declare under penalty of perjury that the foregoing is true and correct,

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15 Executed this 10th day of April, 2022, in Palm Springs, California.

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20 */s/ Oliver P. Cleary*
21 OLIVER P. CLEARY
22 Declarant
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1 **CERTIFICATE OF SERVICE:**

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3 I, Oliver P. Cleary, served the following parties this Motion to be Relieved via the
4 CM/ECF electronic filing system and to those registered to receive notice of such filings
5 on the system:

6 Dated: April 10, 2022

7 *s/Oliver P. Cleary*
8 Oliver P. Cleary
9 Attorney for Defendant,
10 Steven Duarte

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